

Wetlands Bureau Decision Report

Decisions Taken
05/23/2005 to 05/29/2005

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2001-00716 GARRISON PLACE REAL ESTATE INVESTMENT TRUST, FRANC NOTTINGHAM Unnamed Wetland

Requested Action:

Public hearing held on April 19, 2005.

Conservation Commission/Staff Comments:

Cons. Comm. intervened on amended application rec. 3-11-05

Cons. Comm. reported on amended application on 4-29-05.

Inspection Date: 08/24/2001 by Gino E Infascelli

Inspection Date: 07/02/2004 by Gino E Infascelli

Inspection Date: 09/14/2004 by Gino E Infascelli

Inspection Date: 05/05/2005 by Gino E Infascelli

APPROVE PERMIT:

Impact a total of 29,587 sq. ft. of forested and scrub shrub wetlands to widen Route 4 for turning and deceleration lanes, and to construct access roads and site development features for a water bottling plant.

Mitigate for wetland impacts by: constructing approximately 38,600 sq. ft. of forested and scrub shrub wetlands; enhancing/restoring 3,150 sq. ft. of forested and scrub shrub wetlands at the location of the previously existing woods road; constructing a 3,600 sq. ft. vernal pool with a 100-foot buffer around this newly constructed pool and two existing vernal pools (totalling approximately 3.1 acres); providing 0.5 acre of turtle nesting habitat management area and; providing a Deed Restriction to protect 5.96 acres along the northerly and easterly property boundaries, the vernal pools and their buffers and the turtle nesting habitat management area on the property.

With Conditions:

1. All work shall be in accordance with plans by Cammett Engineering as follows:
 - a. Sheet SP-1 dated 2-23-05 (revised 3-14-05) as received by DES on March 11, 2005;
 - b. Sheets WM-1 and WM-2 dated 3-3-05 as received by DES on March 11, 2005;
 - c. Sheets GR-1 and GR-2 revised 4-1-05 as received by DES on May 2, 2005;
 - d. Sheet TM-1 dated 3-31-05 revised 5-11-05 as received by DES on May 16, 2005.
 - e. Sheets SP-1, GR-1 and GR-2 SHALL BE REVISED so as to provide and maintain hydrology to Wetlands I, J and K such as exists in their current state. These revised plans shall be subject to review and approval by the DES Wetlands Bureau prior to the start of construction.
 - f. The wetland impact of 7,844 sq. ft. (area #2) will require a new channel to be constructed and stabilized prior to re-routing of the flow to that area.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on the receipt of a Certificate of No Further Action from the DES Waste Management Division, relative to the Just Cause Site.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands prior to the start of construction.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. Proper headwalls shall be constructed within seven days of culvert installation.

9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Wetland replication area shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
12. Work shall be done during low flow.

Wetland construction/restoration(enhancement):

13. This permit is contingent upon the construction of 38,600 sq. ft. of wetlands, the restoration/enhancement of 3,150 sq. ft. of wetlands, and the construction of a 3,600 sq. ft. vernal pool in accordance with plans received by DES on March 11, 2005.
14. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to the start of construction.
15. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise authorized by the Wetlands Bureau.
16. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.
17. Wetland construction areas shall be properly constructed, landscaped, monitored and remedial actions taken as necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
18. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of construction and if there is a change of status during the project.
19. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to the start of construction.
20. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report detailing these follow-up inspections and remedial actions as well as a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
21. Wetland construction areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
22. The permittee shall delineate the wetlands within the mitigation site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.
23. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland mitigation sites. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
24. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
25. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

Preservation:

26. This permit is contingent upon the execution of a deed restriction as depicted on plans received May 2, 2005 and only after review and approval of the deed restriction language by the DES Wetlands Bureau.
27. The deed restriction to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this restriction.
28. The plan noting the deed restriction with a copy of the final, approved language shall be recorded with the Registry of Deeds Office. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to

the start of construction.

29. The applicant shall prepare a report summarizing existing conditions within the deed restriction areas. The report shall contain photographic documentation of the deed restriction areas, and shall be submitted to DES prior to the start of construction to serve as a baseline for future monitoring of the deed restriction areas.

30. The deed restriction areas shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to the start of construction.

31. The Wetlands Bureau shall be notified of the completion of the placement of the deed restriction area monuments.

32. There shall be no removal of the existing vegetative undergrowth within the deed restriction areas and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

33. Activities in contravention of the deed restriction shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), alteration of more than 20,000 square feet of nontidal wetlands.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03 with consideration given to the fact that this design alternative is supported by the Nottingham Planning Board in order to offset other local impacts associated with the project.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

5. On December 17, 2004 DES issued notice of a public hearing to be held on December 28, 2004 at the Health and Human Services Building, 29 Hazen Dr. in Concord relative to the pending application.

6. On December 22, 2004 DES issued notice that the December 28, 2004 public hearing would be held and then continued, in order to provide additional opportunity for public comment, at the Nottingham Community Center on January 26, 2005.

7. On December 28, 2004 the public hearing was held on the pending application to impact a total of 15,796 sq. ft. of palustrine forested and scrub shrub wetlands to widen Route 4 (turning and deceleration lanes), install a waterline (temporary impact), construct a road crossing and construct a water bottling plant. Project impacts would be mitigated by the construction of approximately 24,000 sq. ft. of wetlands, providing a 100 ft. buffer around two vernal pools and providing a 25 ft. buffer near the building site.

8. On January 26, 2005 the public hearing to be held at the Nottingham Community Center was postponed due to a snowstorm.

9. On February 4, 2005, DES received a fax from NH Soil Consultants requesting that DES suspend review of the application as a result of the Town of Nottingham requesting the applicant to relocate the bottling plant to the northwest corner of the property.

10. On March 11, 2005 an amended application was received which proposed the relocation of the building to the northwest corner of the property.

11. On April 5, 2005 notices of the Public hearing on the amended application were issued in accordance with RSA 482-A:8.

12. On April 5, 2005 a request for more information was sent to NH Soil Consultants.

13. On April 7, 2005, DES received a copy of the Turtle Nesting Habitat Management Plan.

14. On April 19, 2005, a public hearing was held on the amended application to impact a total of 29,587 sq. ft. of forested and scrub shrub wetlands to widen Route 4 (turning and deceleration lanes), construct access roads and site development features for a water bottling plant. Mitigation would include the construction of approximately 53,299 sq. ft. of forested and scrub shrub wetlands, enhancement/restoration of 3,150 sq. ft. of forested and scrub shrub wetlands at the previously existing woods road, construction of a 3,600 sq. ft. vernal pool and protection of 100 ft. around this newly constructed vernal pool and two existing vernal pools for a total of 3.1 acres.

15. At the April 19, 2005 public hearing, the applicant's agents addressed some of the items listed in the April 5, 2005 request for more information. This included a modification of the proposed mitigation area to 38,600 sq. ft., a commitment to the monitoring and the success of the hydrology in the proposed vernal pool, and providing a buffer of 5.96 ac. along the northerly and easterly property boundaries. In addition, the agents noted that, as a result of comments received from NH Fish and Game, there would be a 0.5 ac. turtle nesting habitat management plan for the property.

16. At the hearing there was no objection from any party relative to the relocation of the water bottling plant to the northwest corner of the property, although it was suggested that an alternative building design might reduce the wetlands impacts.

17. The relocation of the bottling plant to the northwest corner of the property results in a 12,862 sq. ft. increase of wetlands impacts from the previous design.

18. The applicant's agent provided testimony that the building configuration, which includes three production lines, is not flexible so

as to provide a more rectangular shape and therefore reduce the wetland impacts. DES finds that this is a reasonable explanation for the building configuration and wetland impacts.

19. The relocation of the bottling plant to the northwest corner of the property results in an increase of 12,862 square feet of wetland impact from the previous design. However, DES finds that the new building location will provide a significant increase in construction setback from the adjacent residential properties and the Town of Barrington's Prime Wetland and therefore the additional wetland impacts are reasonable.

20. Testimony at the public hearing and correspondence contained in the file assert that the water bottling plant and the wells for the water withdrawal should be considered as activity adjacent to the Barrington Prime Wetland.

21. The permitting for large groundwater withdrawal is regulated under RSA 485-C:21. That permit was issued by DES on July 1, 2004 and requires the applicant to monitor wetlands as a condition of the approval.

22. The construction of the water bottling plant and related site activities, which impact wetlands by dredging or filling, are regulated under RSA 482-A.

23. The areas and activities regulated by the DES Wetlands Bureau are as follows:

RSA 482-A:3 Excavating and Dredging Permit; Certain Exemptions. -

I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department.

and

RSA 482-A:4 Definition. - Without limiting RSA 482-A:3, the waters and adjacent areas within this state to which this chapter applies are defined as follows:

I. Wherever the tide ebbs and flows, this chapter shall apply to all lands submerged or flowed by mean high tide as locally determined, any sand dune or vegetation thereon in the state of New Hampshire, and, in addition, to those areas within 100 feet of the highest observable tide line which border on tidal waters, such as, but not limited to, banks, upland areas, bogs, salt marsh, swamps, meadows, flats or other lowlands subject to tidal action.

II. Wherever fresh water flows or stands and in all areas above tidal waters not included in paragraph I of this section, it shall apply (in addition to great ponds or lakes of 10 acres or more in natural area as provided for in RSA 482-A:16-20 and RSA 482-A:21-25) to those portions of great ponds or lakes created by the raising of the water level of the same, whether by public or private structure, and to all surface waters of the state as defined in RSA 485-A:2 which contain fresh water, including the portion of any bank or shore which borders such surface waters, and to any swamp or bog subject to periodical flooding by fresh water including the surrounding shore.

Further, the statute adds to the DES permitting jurisdiction any activity proposed to be undertaken in or adjacent to an area mapped, designated and filed with the department as a prime wetland in accordance with:

RSA 482-A:11 Administrative Provisions. -

IV. The department shall not grant a permit with respect to any activity proposed to be undertaken in or adjacent to an area mapped, designated and filed as a prime wetland pursuant to RSA 482-A:15 unless the department first notifies the local governing body, the planning board, if any, and the conservation commission, if any, in the municipality within which the wetlands lie, either in whole or in part, of its decision. Any such permit shall not be issued unless the department is able, specifically, to find clear and convincing evidence on the basis of all information considered by the department, and after public hearing, that the proposed activity, either alone or in conjunction with other human activity, will not result in the significant net loss of any of the values set forth in RSA 482-A:1. This paragraph shall not be construed so as to relieve the department of its statutory obligations under this chapter to protect wetlands not so mapped and designated.

24. RSA 482-A:15 Local Option; Prime Wetlands

I. Allows a municipality to designate, map and document prime wetlands lying within its boundaries, or if such areas lie only partly within its boundaries, then that portion lying within its boundaries.

II. ... The procedure for acceptance by the local legislative body of any prime wetland designations as provided in paragraph I shall be the same as set forth in RSA 675:2 or RSA 675:3, as applicable.

25. Prime Wetlands designation imposes development restrictions on properties and are adopted by the legislative body of the municipality within which they are located. These development restrictions cannot encumber properties within an adjacent municipality.

26. The adjacent municipality, in this case the Town of Nottingham, has not adopted Prime Wetlands designation under RSA

482-A:15.

27. DES finds that the activities impacting wetlands for the siting of the water bottling plant, located in Nottingham, are not subject to the Prime Wetland restrictions adopted by the Town of Barrington.

28. DES Staff conducted a field inspection of the amended application proposal on May 5, 2005. The field inspection revealed that:

a. The water flow from the 12 in. culvert located on the adjacent parcel is sufficient to define a channel through wetland impact area #2 (7,844) sq. ft. and will require construction of a new channel around the area to be filled to prevent erosion of the new slope.

b. There is approximately 1,962 sq. ft. overlap of wetlands impacts from permit 2004-00932 which allowed the temporary impacts of approximately 4,015 square feet of isolated, scrub-shrub and forested wetlands to excavate and treat contaminated soils.

c. Principal functions of the wetlands to be impacted are sediment/ toxicant retention and wildlife habitat. The 100-foot buffer in the deed restriction will compensate for any habitat loss. This 100-foot buffer is located along the Barrington town line and will supplement the upland buffer in Barrington which is adjacent to the prime wetland thus providing additional protection to the prime wetland.

d. Impact #4 is an area of Class 6 soils rutted from activities estimated to have occurred 30 years ago.

e. Impact area #5 (2,157 sq. ft.) is a linear wetland that was probably a result of historical farming activities and conveys water toward the large vernal pool. The proposed site plan fills area #5 and the drainage design diverts the hydrology from the downstream wetlands including the vernal pool.

f. The drainage plan could be modified to provide stormwater treatment and maintain hydrology to the downstream wetlands.

29. A review of the file indicates that the field inspection conducted by the DES on August 24, 2001 noted a concern regarding the drainage from the development and the need to maintain flows to the downstream wetland. On October 24, 2001 a copy of the field inspection report was sent to NH Soil Consultants.

30. On May 20, 2005 DES informed NH Soil Consultants, by phone, that a review of the current plans revealed the same concerns relative to maintaining the flows to the downstream wetlands.

31. Condition #1e of this approval requires that the site plans be modified to provide and maintain hydrology to wetlands. The plan modifications are subject to review and approval by the DES Wetlands Bureau prior to the start of construction.

32. The wetland creation/restoration component results in a 1.4:1 ratio. The wetland creation/ restoration areas, the vernal pool construction with upland buffers, the turtle nesting habitat management area and the additional 5.96 acres of deed restriction meet and exceed the intent of Rules Wt 803.05 and Wt 803.06 for mitigating the wetland impacts.

2004-01956 DASHNER, BARRY
ENFIELD Unnamed Wetland

Requested Action:

The Enfield Conservation Commission requests reconsideration of the Department's approval based on the woods road blocking water flow and causing significant flooding in the Bog Road area.

Conservation Commission/Staff Comments:

The Enfield Conservation Commission is opposed to the application. Please see the findings of approval.

DENY RECONSIDERATION:

Deny reconsideration. Permit to retain after the fact regrading of an existing woods road stands as originally issued on March 16, 2005.

With Findings:

Reaffirm the Department's findings of March 216, 2005, and make the following additional findings:

19. The roadway was simply regraded to eliminate ruts and stabilize the surface. The surface elevation of the roadway was not changed by this project.

20. The Enfield area was subjected to a significant storm event, approximately 6-inches of rain, on April 3, 2005.

21. The Department of Environmental Services spoke with the Road Agent from the town of Enfield on April 27, 2005. He informed us that several roads in town had been flooded due to the storm event on April 3, 2005.

22. The Request for Reconsideration by the Enfield Conservation Commission contained photos taken on April 4, 2005. The commission alleges that the photos provide evidence that the approved roadway work has blocked flow through the prime wetland

and as a result caused the flooding of Bog Road.

23. The Conservation Commission has failed to provide any evidence that clearly demonstrates that this project has blocked flow through the prime wetland which in turned caused the flooding of Bog Road April 4, 2005.

Inform the appellant that further appeal of this decision is to the New Hampshire Wetlands Council.

2004-02609 16 ANTRIM ROAD LLC
HILLSBOROUGH Unnamed Wetland

Requested Action:

Dredge and fill 41,295 square feet of palustrine forested wetlands to construct a car dealership. Preserve 10.04 acres, consisting of 9.46 acres of uplands and 0.58 acres of wetlands as compensatory mitigation for wetland impacts, to be conveyed to the Town of Hillsborough.

Conservation Commission/Staff Comments:

No comments have been provided from the conservation commission.

Inspection Date: 01/19/2005 by Jeffrey D Blecharczyk

APPROVE PERMIT:

Dredge and fill 41,295 square feet of palustrine forested wetlands to construct a car dealership. Preserve 10.04 acres, consisting of 9.46 acres of uplands and 0.58 acres of wetlands as compensatory mitigation for wetland impacts, to be conveyed to the Town of Hillsborough.

With Conditions:

1. All work shall be in accordance with plans by Donald R. Mellen Surveyor, LLC, in association with Moser Engineering, sheets E-1, S-1, W-1, G-1, U-1, L-1 and D-1 thru D-5 date revised April 5, 2005 and Sheet M-1 revised March 9, 2005, as received by the Department on April 25, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. Work shall be done during low flow.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Wetland preservation:

9. This permit is contingent upon the execution of a conservation easement on 10.04 acres as depicted on plan sheet M-1 received April 25, 2005, to be conveyed to the Town of Hillsborough.
10. The conservation easement to be placed on the preservation area shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
11. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the

DES Wetlands Bureau prior to the start of construction.

12. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.

13. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

14. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.

15. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

16. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This project proposes 41,295 sq ft of impacts to jurisdictional wetlands and is therefore a major impact project per Administrative Rule Wt 303.02(c), for the alteration of more than 20,000 sq ft of nontidal wetlands in there aggregate.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

5. DES Staff conducted a field inspection of the proposed project development site on December 3, 2004. Field inspection determined wetlands accurately identified on the plans.

6. DES Staff conducted a field inspection of the proposed project development site and mitigation area on January 19, 2005. Field inspection determined wetlands accurately identified on the plans, concerns raised by DES with respect to the previous ATV activity on the proposed mitigation parcel.

7. The applicants agent stated the present land owner had withdrawn permission for the use of ATV's on the proposed mitigation parcel, and posted the lot for no trespassing.

8. The applicant proposes 41,295 sq ft of impacts to palustrine forested wetlands, which requires 412,950 sq ft of preservation for the compensatory mitigation.

9. The applicant has provided 437,445 sq ft of preservation for compensatory mitigation, of which 411,949 sq ft is uplands and 25,496 sq ft is wetlands.

10. The incorporated wetlands within the proposed mitigation area comprise 17% of the total preservation area.

11. The proposed mitigation exceeds the required 10:1 ratio by 24,495 sq ft.

12. The proposed mitigation parcel is adjacent to the NH Fish & Game Department Farrar Marsh Wildlife Management Area.

13. The proposed compensatory mitigation parcel is to be conveyed to the Town of Hillsborough.

14. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem.

2004-02817

GARRISON PLACE REAL ESTATE INVESTMENT TRUST, FRANC

BARRINGTON Prime Wetland #40

Requested Action:

Public hearing held on April 19, 2005.

Inspection Date: 09/14/2004 by Gino E Infascelli

APPROVE AFTER THE FACT:

Retain 6 monitoring structures that have been installed in and adjacent to Barrington Prime Wetland #40, impacting approximately two sq. ft., for the purpose of collecting water level data.

With Conditions:

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A, unless as specified in accordance with RSA 482-A:11 IV, will require a new application and approval by the Bureau.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. As required per RSA 482-A:11, IV and based on clear and convincing evidence, DES finds that:
 - a. The installation and retention of the monitoring devices along with the human activity required to collect data will not cause a significant net loss of values set forth in RSA 482-A:1;
 - b. The project is consistent with the purpose specified in RSA 482-A:1 as the data collected for, and required by, the Large Groundwater Withdrawal Permit will provide information necessary to monitor hydrologic impacts prior to and during water withdrawal;
 - c. The installation and monitoring is the minimum amount of activity that is practicable and could not be relocated;
 - d. No mitigation is required as there are no measurable impacts to the functions and values of the prime wetland.
6. On September 14, 2004, the DES Wetlands Bureau inspected the property and other locations where monitoring devices such as staff gages and small pipes were previously installed as temporary structures to monitor effects on groundwater and wetlands in association with the pump test for the Large Groundwater Withdrawal Permit.
7. On November 19, 2004, DES received an application requesting a permit to retain the temporary impacts to the Barrington Prime Wetlands #40 and the adjacent uplands.
8. On December 17, 2004 DES issued notice of a public hearing to be held on December 28, 2004 at the Health and Human Services Building, 29 Hazen Dr. in Concord relative to the pending application.
9. On December 22, 2004 DES issued notice that the December 28, 2004 public hearing would be held and then continued, in order to provide additional opportunity for public comment, at the Nottingham Community Center on January 26, 2005.
10. On December 28, 2004 the public hearing was held on the pending application to retain 6 monitoring structures that were installed in and adjacent to Barrington Prime Wetland #40 for the purpose of collecting water level data.
11. On January 26, 2005 the public hearing to be held at the Nottingham Community Center was postponed due to a snowstorm.
12. On April 5, 2005 notices of the public hearing to be held on April 19, 2005 were issued in accordance with RSA 482-A:8.
13. On April 19, 2005, a Prime Wetlands Public Hearing was conducted at the Nottingham Community Center located at 139 Stage Rd. (NH Route 152), Nottingham N.H.
14. At the hearing, testimony was presented that there is no need for the monitoring devices as there is no independent purpose and their need is only as a result of the Large Groundwater Withdrawal application or permit. This testimony states that the monitoring devices alone will have little impact on the Prime Wetland, but the need is a result of and in conjunction with other proposed human activity (water withdrawal) that will result in a significant net loss of value.
15. At the hearing, testimony was presented that related projects should be reviewed in the aggregate and that the Large Groundwater Withdrawal Permit is other human activity subject to the requirements of RSA 482-A:15.
16. The permitting for large groundwater withdrawal is regulated under RSA 485-C:21. That permit was issued by DES on July 1, 2004 and requires the applicant to monitor wetlands as a condition of the approval.
17. Installation of the monitoring structures installed in and adjacent to Barrington Prime Wetland required a permit under RSA 482-A.
18. The areas and activities regulated by the DES Wetlands Bureau are as follows:

RSA 482-A:3 Excavating and Dredging Permit; Certain Exemptions. -

I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department.

and

RSA 482-A:4 Definition. - Without limiting RSA 482-A:3, the waters and adjacent areas within this state to which this chapter applies are defined as follows:

I. Wherever the tide ebbs and flows, this chapter shall apply to all lands submerged or flowed by mean high tide as locally determined, any sand dune or vegetation thereon in the state of New Hampshire, and, in addition, to those areas within 100 feet of the highest observable tide line which border on tidal waters, such as, but not limited to, banks, upland areas, bogs, salt marsh, swamps, meadows, flats or other lowlands subject to tidal action.

II. Wherever fresh water flows or stands and in all areas above tidal waters not included in paragraph I of this section, it shall apply (in addition to great ponds or lakes of 10 acres or more in natural area as provided for in RSA 482-A:16-20 and RSA 482-A:21-25) to those portions of great ponds or lakes created by the raising of the water level of the same, whether by public or private structure, and to all surface waters of the state as defined in RSA 485-A:2 which contain fresh water, including the portion of any bank or shore which borders such surface waters, and to any swamp or bog subject to periodical flooding by fresh water including the surrounding shore.

19. Further, the statute adds to the permitting jurisdiction any activity proposed to be undertaken in or adjacent to an area mapped, designated and filed as a prime wetland in accordance with:

RSA 482-A:11 Administrative Provisions. -

IV. The department shall not grant a permit with respect to any activity proposed to be undertaken in or adjacent to an area mapped, designated and filed as a prime wetland pursuant to RSA 482-A:15 unless the department first notifies the local governing body, the planning board, if any, and the conservation commission, if any, in the municipality within which the wetlands lie, either in whole or in part, of its decision. Any such permit shall not be issued unless the department is able, specifically, to find clear and convincing evidence on the basis of all information considered by the department, and after public hearing, that the proposed activity, either alone or in conjunction with other human activity, will not result in the significant net loss of any of the values set forth in RSA 482-A:1. This paragraph shall not be construed so as to relieve the department of its statutory obligations under this chapter to protect wetlands not so mapped and designated.

20. RSA 482-A:15 Local Option; Prime Wetlands

I. Allows a municipality to designate, map and document prime wetlands lying within its boundaries, or if such areas lie only partly within its boundaries, then that portion lying within its boundaries.

II. ...The procedure for acceptance by the local legislative body of any prime wetland designations as provided in paragraph I shall be the same as set forth in RSA 675:2 or RSA 675:3, as applicable.

21. Human activity such as walking and collecting data without dredging, filling or constructing any structures is not regulated under RSA 482-A:1.

22. RSA 482-A:11 Administrative Provisions. -

V. Notwithstanding any rules adopted by the commissioner defining minor projects, a series of minor projects undertaken by a single developer or several developers over a period of 5 years or less may, when considered in the aggregate, amount to a major project in the opinion of the department; all such related projects shall be subject to a public hearing as provided in RSA 482-A:8. A series of minor projects shall be considered in the aggregate if they abut or if they are a part of an overall scheme of development or are otherwise consistent parts of an eventual whole.

23. When the DES Wetlands Bureau considers the issuance of a permit under RSA 482-A:1 it considers a series of minor projects undertaken by a single developer, in the aggregate, if they abut or if they are a part of an overall scheme of development, as in this case. The DES considered that this series of projects were major projects, held hearings and issued permits to impact areas regulated under RSA 482-A:3 and as further defined under RSA 482-A:4.

2004-03007

COLEBROOK, TOWN OF

COLEBROOK

Requested Action:

Fill 169,014 square feet (3.88 acres) of wetland to close an existing unlined municipal sanitary landfill, and temporarily impact approximately 39,015 square feet (.9 acres) of wetlands to remediate the existing groundwater contaminant plume and prevent its further migration towards Lime Pond. Mitigate impacts by placing a conservation deed restriction on 41.94 acres of undeveloped land adjacent to existing conservation lands surrounding Lime Pond.

Inspection Date: 05/12/2005 by Craig D Rennie

APPROVE PERMIT:

Fill 169,014 square feet (3.88 acres) of wetland to close an existing unlined municipal sanitary landfill, and temporarily impact approximately 39,015 square feet (.9 acres) of wetlands to remediate the existing groundwater contaminant plume and prevent its further migration towards Lime Pond. Mitigate impacts by placing a conservation deed restriction on 41.94 acres of undeveloped land adjacent to existing conservation lands surrounding Lime Pond.

With Conditions:

1. All work shall be in accordance with revised plans by Lynnfield Engineering dated February 2005, as received by the Department on April 7, 2005; and in accordance with a plan revision dated and received by the Department on May 25, 2005
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Waste Management Division.
4. This permit is contingent on the receipt of an approved 401 Water Quality Certificate, as issued by the DES Watershed Management Bureau.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
14. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

MITIGATION CONDITIONS:

15. This permit is contingent upon the execution of a conservation deed restriction on 41.94 acres of land as depicted on plans dated March 31, 2005, and received by the Department on April 12, 2005.
16. The conservation deed restriction to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
17. The plan noting the conservation area with a copy of the final restrictive language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
18. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the conservation area, and shall be submitted to DES and the responsible stewardship party prior to construction to serve as a baseline for future monitoring of the conservation area.
19. The applicant shall submit a stewardship plan for the conservation area which identifies the responsible party or parties who will ensure that the stewardship plan is followed.
20. The conservation area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
21. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found during construction and during the

early stages of vegetative establishment.

22. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

23. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. The project is classified as a Major Project per NH Administrative Rule Wt 303.02 (c), as wetland impacts are greater than 20,000 square feet.
2. The project is necessary to cap and close an existing municipal landfill that has been identified as the source of volatile organic compound (VOC) groundwater contamination on approximately 29 acres of land.
3. According to a Draft Site Inspection Report prepared for EPA, 79 residents are serviced by private wells within a one-mile radius of the landfill. In order to remediate the existing groundwater contaminant plume and prevent its further migration towards Lime Pond and private drinking water supplies, an active groundwater collection and treatment system is proposed in conjunction with the landfill closure.
4. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
5. The site plans were revised on May 25, 2005 to reduce overall wetland disturbance by approximately 15,000 square feet from previous submittals by relocating an infiltration basin.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
7. The closure/remediation project is a joint effort between the Town of Colebrook and the DES Waste Management Division.
8. The applicant proposes to mitigate permanent wetland loss (totaling 169,014 square feet) by placing a conservation deed restriction on 41.94 acres of land adjacent to existing conservation land managed by the NH Fish & Game Department and monitored by LCHIP.
9. Based on the 10:1 ratio for compensatory mitigation under Wt 803.05, the applicant is required to provide 38.8 acres (1,690,140 square feet) of upland buffer preservation.
10. In the mitigation proposal, the applicant is providing 41.94 acres of upland buffer preservation; therefore, the compensatory mitigation Rules under Wt 800 have been met.
11. DES inspected the property on 05/12/05, and found that the wetland areas that are proposed to be filled are currently contaminated by landfill leachates. Properly capping the landfill, combined with remedial groundwater clean-up, will help to prevent further environmental impacts downstream; therefore, DES waives the public hearing.

2005-00553 PORTSMOUTH, CITY OF
PORTSMOUTH Portsmouth Harbor / Piscataqua River

Requested Action:

Impact 4,896 sq. ft. of a previously impacted tidal embankment to reconstruct an existing boat ramp with pre-cast concrete and install an 8 ft. x 10 ft. anchoring pad attached to an 8 ft. x 100 ft. seasonal floating dock anchored by a 4 ft. x 4 ft. mooring block in the Back Channel of the Piscataqua River with 180 ft. of shoreline frontage.

Conservation Commission/Staff Comments:

The Portsmouth Conservation Commission recommends approval of the cited project.

Inspection Date: 05/19/2005 by Eben M Lewis

APPROVE PERMIT:

Impact 4,896 sq. ft. of a previously impacted tidal embankment to reconstruct an existing boat ramp with pre-cast concrete and install an 8 ft. x 10 ft. anchoring pad attached to an 8 ft. x 100 ft. seasonal floating dock anchored by a 4 ft. x 4 ft. mooring block in the Back Channel of the Piscataqua River with 180 ft. of shoreline frontage.

With Conditions:

1. All work shall be in accordance with plans by Peter Britz dated 3/22/04, as received by the Department on 03/25/05.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services (DES) Wetlands Bureau.
3. DES Coastal Region staff shall be notified in writing prior to commencement of work and upon completion.
4. This permit shall not be effective until recorded at the Rockingham Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Work shall be done during low tide.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Work shall be conducted in a manner that avoids discharges of sediments to fish spawning areas.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
10. Seasonal docking structures shall be removed for the non-boating season.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetland or bogs.
2. Public hearing is waived based on DES staff field inspection on 5/19/2005, with the finding that the project impacts will not significantly impair the resources of this marine wetland ecosystem and that the proposed dock will not impede navigation.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The NH PDA Division of Ports and Harbors, per letter dated May 3, 2005, reports that this project will have no impact on navigation in the area.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2003-02289 LEBOEUF, STEVEN
LACONIA Lake Winnepesaukee

Requested Action:

Approve name change to: Dennis Lacombe, 5 Little Hollow Lane, Groton Ma 01450 per request received 5/20/2005.

Conservation Commission/Staff Comments:

Con. Com. had no objection to project.

APPROVE NAME CHANGE:

Permanently remove an existing 4 ft x 24 ft seasonal dock, an existing 6 ft x 30 ft seasonal dock, and two (2) 3 ft x 6 ft concrete pads, and install (3) 6 ft x 40 ft seasonal docks hinged to (3) 4 ft x 6 ft concrete pads on an average of 225 ft of frontage on Paugus Bay, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated September 29, 2003, as received by the Department on October 9, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. The existing docks and concrete pads shall be completely removed from the jurisdiction of the DES Wetlands Bureau prior to new construction.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
9. Seasonal piers shall be removed from the lake for the non-boating season.
10. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

2003-02751 MANCHESTER SAND & GRAVEL
HOOKSETT Unnamed Wetland

Requested Action:

Permittee requests relief from permit condition number 4, "No further alteration of wetlands for lot development, driveways, culverts, or for other construction activities."

Conservation Commission/Staff Comments:

Letter dated December 9, 2003: "The Hooksett Conservation Commission has reviewed the project... approved the plan as submitted for the three crossings [and] does not have any additional concerns or problems with this permit application."

APPROVE AMENDMENT:

Dredge and fill a total of 6,330 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway with three (3) culvert crossings to access a 65-lot residential subdivision on a 193.067 acre parcel of land of which 82.699 acres are designated as open space. Grant relief from permit condition no. 4 and replace with amended condition no. 4.

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering & surveying, Inc. dated 03-23-04 (wetland impact plan), as received by the Department on March 24, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit shall not be effective until it has been recorded with the Merrimack County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

AMENDED CONDITION:

4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. There shall be no work associated with this project either in or adjacent to designated prime wetlands.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Culvert outlets shall be properly rip rapped.
14. Work shall be done during low flow.
- 1.

With Findings:

1. Per agreements between the permittee and the Town of Hooksett, other land is to be donated to the Town for a public park in the vicinity of Head's Pond, and establishment of a trail along an old railbed which travels through the property. Upgrade to a public trail may require improvements involving minor wetlands impacts in the future.
2. The amendment of permit condition number 4 "No further alteration of wetlands for lot development, driveways, culverts, or for other construction activities" to "Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau" will allow the permittee to apply for such improvements, while still allowing DES to exercise regulatory review of those requests based on their merits, and to consider the requests in combination with other impacts previously permitted.

2004-01576 SLATTERY, JOSEPH & KAREN
TUFTONBORO Lake Winnepesaukee

Requested Action:

Amend permit to include 4 tie off piles and 1 three pile ice cluster.

Conservation Commission/Staff Comments:

Con. Com. says there is an unpermitted jet ski lift on the frontage.

APPROVE AMENDMENT:

Amend permit to read: Permanently remove an existing "U" shaped crib dock, and replace with two 6 ft x 30 ft piling piers connected by a 4 ft x 12 ft walkway, in a "U" configuration, and install a seasonal personal watercraft lift, install 4 tie off piles and 1 three pile ice cluster, on an average of 150 ft of frontage on Cow Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction revision dated May 23, 2005, as received by the Department on May 23, 2005.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Old crib material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to new construction.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
9. Pilings shall be spaced a minimum of 12 ft apart as measured center to center.
10. The seasonal watercraft lift shall be removed from the lake for the duration of the non-boating season.
11. No portion of the docking facility shall be located further than 34 ft 6 in lakeward of the normal high-water line, Elev 504.32.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), modification of an existing docking structure that exceeds the design criteria for minimum impact project.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has submitted information to the file showing ownership of 150 ft of contiguous frontage.

2004-02660 38 MAIN LLC, MICHELLE RICCIUTI
MEREDITH Unnamed Wetland

Requested Action:

Dredge and fill 4308 square feet of man made isolated wetland for roadway expansion in a 5 lot residential subdivision.

Conservation Commission/Staff Comments:

The conservation commission does not have any objections to granting the permit request.

APPROVE PERMIT:

Dredge and fill 4308 square feet of man made isolated wetland for roadway expansion in a 5 lot residential subdivision.

With Conditions:

1. All work shall be in accordance with plans by Fluet Engineering Associates PC dated May 2004, and revised through October 8, 2004, as received by the Department on April 26, 2005, and Subdivision Plans by Associated Surveyors Inc dated October 10, 2003, and revised through January 20, 2005, as received by the Department on April 26, 2005.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Work shall be done during low flow.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h); Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands.

2. The proposal is to expand an existing roadway to town standards for subdivision approval.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The wetlands associated with the proposal are man made with limited functions and values in accordance with the report by the Certified Wetland Scientist.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
7. The Meredith Conservation Commission supports the proposed application.
8. The replacement of the existing culverts are within 20 feet of the abutting property line shared with tax map U3, lot 16B
9. The abutter has refused to supply a letter of permission from the affected abutter pursuant to Rule Wt 304.04, Setback from Property Lines.
10. The existing culverts are in poor condition and need to be replaced. Failure to replace the culverts will cause ponding on the abutters property.
11. The applicant has demonstrated that this project will not result in increased environmental impact.
12. The applicant has demonstrated that this is the most reasonable alternative for the site in accordance with Rules Wt 302.03 and Wt 304.16.
13. The expansion of the culverts is outside of the 20 foot setback from the property line.
14. The Department hereby waives Rule Wt 302.04(d)(4) based on findings above.

2004-02967 ST AMAND, JOHN
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Construct two 6 ft x 40 ft seasonal piers connected by a 6 ft x 12 ft walkway in a "U-shaped" configuration anchored by two 4 ft x 6 ft concrete pads on 180 ft of frontage on Lake Winnepesaukee.

APPROVE PERMIT:

Construct two 6 ft x 40 ft seasonal piers connected by a 6 ft x 12 ft seasonal walkway in a "U-shaped" configuration anchored by two 4 ft x 6 ft concrete pads on 180 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with the construction sequence by Watermark Marine Construction dated April 12, 2005, as received by the Department on April 13, 2005 and plans by Watermark Marine Construction as received by the Department on December 13, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. These shall be the only structures on this water frontage.
4. Seasonal piers shall be removed from the lake for 5 months during the non-boating season.
5. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
6. Concrete anchoring pads shall be completely landward from the normal high water mark.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
9. Unnecessary removal of vegetation shall be prohibited.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), exceeds the design and construction criteria for minimum impact docks classified under Wt 303.04
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2005-00175 WBTSCC LIMITED PARTNERSHIP
RYE Unnamed Wetland

Requested Action:

Dredge and fill 4,734 sq. ft. of palustrine forested wetlands and impact 1,438 sq. ft. within the tidal buffer zone (total: 6,172 sq. ft. in DES Wetlands jurisdiction) to widen an existing cart path and construct a driveway to provide improved vehicular access between the maintenance facility and the golf course.

Conservation Commission/Staff Comments:

No comments received on this application from the Rye Conservation Commission.

APPROVE PERMIT:

Dredge and fill 4,734 sq. ft. of palustrine forested wetlands and impact 1,438 sq. ft. within the tidal buffer zone (total: 6,172 sq. ft. in DES Wetlands jurisdiction) to widen an existing cart path and construct a driveway to provide improved vehicular access between the maintenance facility and the golf course.

With Conditions:

1. All work shall be in accordance with plans by NH Soil Consultants, Inc. dated 1/05 (last revised 4/8/05), as received by the Department on May 19, 2005.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. Waive Administrative Rule Wt 304.04 for the 20 foot setback to abutters properties (tax map/ lots 24/68, 24/71 and 24/72) with the finding that the proposed driveway construction will have no significant deleterious affect on these properties.

2005-00197 BICKFORD REALTY TRUST, KENNETH BICKFORD
MOULTONBOROUGH Lake Winipesaaukee

Requested Action:

Construct two 6 ft by 30 ft permanent piling supported docks connected by a 6 ft by 12 walkway, install two tie off piles to the east of the docking structure and two tie off piles to the west of the docking structure on 200 ft of frontage on Lake Winnipesaaukee, Moultonborough.

Conservation Commission/Staff Comments:

No Con Com comments by 04/18/05

APPROVE PERMIT:

Construct two 6 ft by 30 ft permanent piling supported docks connected by a 6 ft by 12 walkway, install two tie off piles to the east of the docking structure and two tie off piles to the west of the docking structure on 200 ft of frontage on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated January 26, 2005, as received by the Department on January 31, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. No part of the docking facility shall extend lakeward more than 30 ft from full lake elevation of 504.32.
5. This permit does not allow for maintenance dredging.
6. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), construction of a dock that exceeds Wt 402.01.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01 with photographs.

2005-00456 MAXWELL, LORRAINE
MEREDITH Lake Winnepesaukee

Requested Action:

Permanently remove an existing 4 ft by 26 ft permanent dock and construct a piling supported 6 ft by 30 ft permanent dock, install 4 tie off piles on 92 ft of frontage on Lake Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

Con Com has no objections to proposed project.

APPROVE PERMIT:

Permanently remove an existing 4 ft by 26 ft permanent dock and construct a piling supported 6 ft by 30 ft permanent dock, install 4 tie off piles on 92 ft of frontage on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated February 11, 2005, revision date May 23, 2005, as received by the Department on May 23, 2005.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. The existing permanent dock is to be permanently removed from the frontage prior to the construction of the new permanent dock. Debris from the existing dock shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Support pilings shall be placed a minimum of 12 ft apart as measured center to center.
6. No portion of the pier shall extend more than 30 ft lakeward from full lake elevation of 504.32 ft.
7. No work may be done within the 20 ft abutter setback from the property line.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), construction of a permanent 2-slip dock.
2. The new dock replaces an existing permanent dock on the frontage.
3. NHI and Fish and Game will not be submitting comments.

2005-00477 WALLACE, STEPHEN
ALTON Lake Winnepesaukee

Requested Action:

Permanently remove an existing 152 sq ft crib supported wharf along the shore and construct a 6 ft by 30 ft piling supported permanent dock, construct a 12 ft by 12 ft perched beach with 3 ft wide access steps to the water on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Permanently remove an existing 152 sq ft crib supported wharf along the shore and construct a 6 ft by 30 ft piling supported permanent dock, construct a 12 ft by 12 ft perched beach with 3 ft wide access steps to the lake on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by NH Environmental Consultants, as received by the Department on March 11, 2005.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. This shall be the only structure on this water frontage and all portions of the pier shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
7. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
8. The lakebed shall be match the existing contours adjacent to the area of crib removal.
9. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
10. The steps installed for access to the water shall be located completely landward of the normal high water line.
11. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
12. This permit shall be used only once, and does not allow for annual beach replenishment.
13. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
14. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), construction of a permanent 2-slip dock.

2005-00489

MERRYMEETING RIVER REALTY TRUST, DONALD & SANDRA WH

ALTON Merrymeeting River

Requested Action:

Increase the length of a 6 ft by 20 ft seasonal dock to 6 ft by 30 ft, install a second 6 ft by 30 ft seasonal dock, complete construction of two retaining walls and remove the wheel stop on the toe of the boatramp, on Merrymeeting River, Alton.

Conservation Commission/Staff Comments:

Con Com recommends DES site inspection, revegetation of some areas of the site and does not recommend the removal of the wheel stop on the boatramp.

APPROVE PERMIT:

Increase the length of a 6 ft by 20 ft seasonal dock to 6 ft by 30 ft, install a second 6 ft by 30 ft seasonal dock, complete construction of two retaining walls and remove the wheel stop on the toe of the boatramp, on Merrymeeting River, Alton.

With Conditions:

1. All work shall be in accordance with plans by Turning Point Land Surveyors dated May 24, 1995, with revisions as noted by Don White dated March 8, 2005, as received by the Department on March 14, 2005.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. These shall be the only structures on this water frontage and all portions of the docks shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. The seasonal piers shall be removed from the waterbody for the non-boating season.
6. No portion of the piers shall extend more than 30 feet from the shoreline at full lake elevation.
7. This permit is for no more than 2 seasonal docks on the frontage as shown on the approved plans as received by the Department on March 14, 2005.
8. This permit does not allow for the extension of the boat ramp into the river. If any erosion occurs due to the removal of the wheel stop, the wheel stop shall be replaced as previously permitted.
9. All exposed soils shall be replanted and stabilized with vegetation to prevent erosion.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(k), projects that disturb between 50 and 200 linear feet of shoreline.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The construction of the two observation platforms does not require a permit under RSA 482-A and is in compliance with 483-B.
5. This permit it to complete work as previously permitted under permit 1995-1045.
6. The most landward retaining wall is at the limits of the Departments jurisdiction.
7. The Conservation Commissions comments have been addressed as conditions of the permit.
8. NH Fish and Game and NHI will not be submitting comments.

2005-00556

UNH - FACILITIES PLANNING & CONSTRUCTION

DURHAM Unnamed Wetland

Requested Action:

Dredge and fill a total 17,816 sq. ft. of palustrine forested/ scrub-shrub wetlands for work associated with the construction of a new 400 bedroom residence hall at the existing UNH Gables Residence Halls with appurtenant parking and drainage structures.

Conservation Commission/Staff Comments:

The Durham Conservation Commission did not comment on this application.

Inspection Date: 04/28/2005 by Frank D Richardson

APPROVE PERMIT:

Dredge and fill a total 17,816 sq. ft. of palustrine forested/ scrub-shrub wetlands for work associated with the construction of a new 400 bedroom residence hall at the existing UNH Gables Residence Halls with appurtenant parking and drainage structures.

With Conditions:

1. All work shall be in accordance with plans by Hoyle, Tanner & Associates, Inc. dated March 10, 2005, as received by the Department on March 25, 2005.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

LAND RESOURCES PRESERVATION:

1. This permit is contingent upon the execution of a conservation easement on 4.2 acres within the UNH College Woods Natural Area as depicted on plans received March 25, 2005.
2. The conservation easement to be placed on the preservation area shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the Strafford County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
4. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments or permanent markers prior to construction.
6. The Wetlands Bureau shall be notified of the placement of the easement monuments or markers to coordinate on-site review of their location prior to construction.
7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on April 28, 2005. Field inspection determined the project is reasonable and the wetland impacts have been minimized to the greatest extent practicable.

2005-00587 FARRELL, LOIS
TUFTONBORO Lake Winnepesaukee

Requested Action:

Construct a 6 ft by 40 ft seasonal hinged dock, install two PWC lifts in the slip south of the dock, construct a 328 sqft perched beach with 6 ft access stairs on Lake Winnepesaukee, Tuftonboro.

Conservation Commission/Staff Comments:

No Con Com comments by 04/29/05

APPROVE PERMIT:

Construct a 6 ft by 40 ft seasonal hinged dock, install two PWC lifts in the slip south of the dock, construct a 328 sqft perched beach with 6 ft access stairs on Lake Winnepesaukee, Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated February 18, 2005, as received by the Department on March 29, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
7. The PWC lifts shall be of seasonal construction type which shall be removed for the non-boating season.
8. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
9. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
10. The steps installed for access to the water shall be located completely landward of the normal high water line.
11. No more than 6 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
12. This permit shall be used only once, and does not allow for annual beach replenishment.
13. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
14. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(d), construction of a beach.

MINIMUM IMPACT PROJECT

2005-00664 MARKARIAN, PETER
CENTER HARBOR Squam Lake

Requested Action:

Install a seasonal boatlift covered by a 10 ft x 25 ft seasonal canopy within the northwesterly slip of a "U-shaped" dock consisting of two 6 ft x 40 ft seasonal piers connected by a 6 ft x 12 ft seasonal walkway on 257 ft of frontage on Squam Lake in Center Harbor.

APPROVE PERMIT:

Install a seasonal boatlift covered by a 10 ft x 25 ft seasonal canopy within the northwesterly slip of a "U-shaped" dock consisting of two 6 ft x 40 ft seasonal piers connected by a 6 ft x 12 ft seasonal walkway on 257 ft of frontage on Squam Lake in Center Harbor.

With Conditions:

1. All work shall be in accordance with plans by Production Trailer and Dock, LLC dated April 2, 2005, as received by the Department on April 8, 2005.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
4. No portion of the docking facility shall extend more than 40 ft lakeward of the Normal high-water line.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Seasonal piers, boatlift, and canopy shall be removed for 5 months during the non-boating season.
8. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(ac), installation of a seasonal boatlift in an legally-existing, boat slip.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-00786 INTEGRITY HOMES OF NEWTON LLC
NEWTON Unnamed Wetland

Requested Action:

Impact 110 square feet of forested wetland to install a 15-inch culvert for access to a single family residential lot on 1.75 acres.

Conservation Commission/Staff Comments:

The Newton Conservation Commission did not sign the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact 110 square feet of forested wetland to install a 15-inch culvert for access to a single family residential lot on 1.75 acres.

With Conditions:

1. All work shall be in accordance with plans by James M. Lavelle Associated, LLC as received by the Department on May 24, 2005.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.

5. Work shall be done during low flow conditions.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-00977 NH DEPT OF TRANSPORTATION, DISTRICT ONE
NORTHUMBERLAND Upper Ammonoosuc River

Requested Action:

Install a new 24 in. culvert to extend drainage outlet to a new sediment pond and stabilize outlet impacting 1,570 sq. ft. (100 sq. ft. temporary).

Conservation Commission/Staff Comments:

Cons. Comm. has no problem with project.

APPROVE PERMIT:

Install a new 24 in. culvert to extend drainage outlet to a new sediment pond and stabilize outlet impacting 1,570 sq. ft. (100 sq. ft. temporary). NHDOT project #M105-11.

With Conditions:

1. All work shall be in accordance with plans by NHDOT District #1 dated 4/20/05 as received by the Department on May 11, 2005.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.
11. Work shall be done during drawdown.

With Findings:

2. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of bank.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. This will relieve the flooding as a result of ice backup.

FORESTRY NOTIFICATION

2005-00962 LEWIS BUILDERS DEVELOPMENT INC
RAYMOND Unnamed Stream

COMPLETE NOTIFICATION:
Raymond Tax Map 9, Lot# 16

2005-00989 MILLER RUN INC, VEVA ZIMMERMAN
LYMAN Unnamed Stream

COMPLETE NOTIFICATION:
Lyman Tax Map 170, Lot# 140

2005-00991 NEW DURHAM PROPERTIES, INC, BRUCE JACOBS
NEW DURHAM Unnamed Stream

COMPLETE NOTIFICATION:
New Durham Tax Map/Lot# 16/1, 17/1 & 18/1

2005-01035 COTE JR, HARRY
NEW HAMPTON Unnamed Stream

COMPLETE NOTIFICATION:
New Hampton Tax Map R20, Lot# 50 & 51

2005-01036 HADLOCK, CHARLES & JOANNE
MADISON Unnamed Stream

COMPLETE NOTIFICATION:
Madison Tax Map M7, Lot# 43 & 46

2005-01038 DOCHSTADER, CANDACE
HOLLIS Unnamed Stream

COMPLETE NOTIFICATION:

Hollis Tax Map 2, Lot# 42

2005-01040 MEADOWSEND TIMBERLANDS LTD
BOW Unnamed Stream

COMPLETE NOTIFICATION:

Bow Tax Map M3, Lot# 57

2005-01049 KELLEHER, JAMES
LEBANON Unnamed Stream

COMPLETE NOTIFICATION:

Lebanon Tax Map 54, Lot# 5

2005-01082 BARLETTA ESTATE OF, VINCENT
HENNIKER Unnamed Stream

COMPLETE NOTIFICATION:

Henniker Tax Map 1, Lot# 59 & 60

2005-01083 HILDRETH, DEBORAH
HOLLIS Unnamed Stream

COMPLETE NOTIFICATION:

Hollis Tax Map 17, Lot# 5, 8 & 9

2005-01084 BURWELL, RICHARD
FRANCONIA Unnamed Stream

COMPLETE NOTIFICATION:

Franconia Tax Map 228, Lot# 9

2005-01085 BARLETTA, ESTATE OF VINCENT
HENNIKER Unnamed Stream

COMPLETE NOTIFICATION:

Henniker Tax Map 1, Lot# 37, 38 & 61

2005-01105 DREW, RICHARD
RICHMOND Unnamed Stream

COMPLETE NOTIFICATION:

Richmond Tax Map 2, Lot# 19

2005-01106 BUNTING FAMILY V FORESTRY LLC
COLUMBIA Unnamed Stream

COMPLETE NOTIFICATION:
Columbia Tax Map 405, Lot# 8

2005-01107 RODES LLC, STEWART
CANTERBURY Unnamed Stream

COMPLETE NOTIFICATION:
Canterbury Tax Map 13, Lot# 2

2005-01108 HATTON, BRUCE
CHESTER Unnamed Stream

COMPLETE NOTIFICATION:
Chester Tax Map 11 & 7, Lot# 58 & 60, 61

2005-01123 PETER & GARY LLC
HEBRON Unnamed Stream

COMPLETE NOTIFICATION:
Hebron Tax map 2, Lot# 20

2005-01124 WHITEFIELD WATER DEPT, TOWN OF WHITEFIELD
CARROLL Unnamed Stream

COMPLETE NOTIFICATION:
Carroll Tax Map 406, Lot# 1

2005-01125 GOFFSTOWN VILLAGE WATER PRECINCT
GOFFSTOWN Unnamed Stream

COMPLETE NOTIFICATION:
Goffstown Tax Map 1, Lot# 37

2005-01126 WEBSTER LAND CORP
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:
Sandwich Tax map 22, Lot# 2

EXPEDITED MINIMUM

2002-02289 KEDERSHA, JAMES & CAROLYN
TUFTONBORO Lake Winnepesaukee

Requested Action:

Re-instate original owner to permit.

Repair an existing permanent "U" shaped docking facility consisting of an 8 ft 6 in by 28 ft 1 in permanent crib supported dock connected to a 13 ft 6 in by 23 ft 4 in crib supported wharf along the shore by a 14 ft by 6 ft 7 in crib supported walkway on 225 ft of frontage in Lake Winnepesaukee, Tuftonboro.

Conservation Commission/Staff Comments:

Con Com signed Expedited Application

APPROVE NAME CHANGE:

Repair an existing permanent "U" shaped docking facility consisting of an 8 ft 6 in by 28 ft 1 in permanent crib supported dock connected to a 13 ft 6 in by 23 ft 4 in crib supported wharf along the shore by a 14 ft by 6 ft 7 in crib supported walkway on 225 ft of frontage in Lake Winnepesaukee, Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Lakeshore Construction dated September 28, 2002, as received by the Department on October 18, 2002.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
5. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
6. This permit does not allow for maintenance dredging.
7. Repairs shall maintain existing size, location and configuration.
8. Construction debris shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
9. Only existing rocks shall be used for the repair of the cribs. No new rocks shall be permitted.
10. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
12. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
13. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

2004-01884 MAHER, ROBERT
MOULTONBOROUGH Unnamed Wetland

Requested Action:

Deny request to fill 3564 square feet of wetland for driveway access to a commercial property.

Conservation Commission/Staff Comments:

The Conservation Commission signed the original expedited application.

DENY PERMIT:

Deny request to fill 3564 square feet of wetland for driveway access to a commercial property.

With Findings:

Standards for Approval:

1. This is a Minor Impact Project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq ft.
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Wt 302.01.
4. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
5. The applicant must demonstrate by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. According to Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.

Findings of Fact:

7. On May 6, 2003, NHDES Wetlands Staff conducted a preapplication site walk to review a site for a proposed Dunkin Doughnuts. Site inspection verified the wetland delineation by Peter Schauer, and DES noted that the site had recently been logged. Wetlands on the lot include not only those across the front of the site but also a drainage running through the center of the lot.
8. On August 12, 2004, The Department received an application to install a culvert for driveway access.
9. The stated purpose of the wetland impacts is for access and includes installation of a 30-inch culvert in accordance with the driveway permit issued by Department of Transportation.
10. Plans originally submitted in support of this application do not adequately show the boundaries of jurisdictional wetlands.
11. DES requested additional information October 19, 2004, including a need for the width of the proposed access.
12. There is currently no specific commercial development proposed for this lot.

Findings in support of denial:

13. The applicant has not demonstrated a need for the proposed wetlands filling based on the fact that there is currently no specific development plan for the site.
14. The lot could be developed with a lesser wetland impact as the proposed driveway is the maximum granted by the Department of Transportation. This would have a less adverse impact on the area under the department's jurisdiction.
15. The area of uplands accessed by the proposed crossing is less than half an acre.
16. This project is denied in accordance with Wt 302.04(d)(3) as it causes the unnecessary destruction of wetlands.
17. The project is denied per 302.04(d)(5) as the requirements of Wt 302.03 were not met and because the applicant failed to document factors as required in Wt 302.04(a).

2004-02128 LOCKE, NATHAN
BARNSTEAD Locke Lake

Requested Action:

Deny permit to dredge for water line intake.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit to dredge for water line intake.

With Findings:

1. A request for additional information dated September 8, 2004, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2004-02327

NUTTER, KENNETH

GILMANTON Unnamed Pond

Requested Action:

Maintenance dredge 8348 square feet of man made pond and replace existing overflow pipe with same dimension pipe.

Conservation Commission/Staff Comments:

The conservation commission is concerned about the spread of invasive species and did not sign the application.

This application was deemed administratively complete on October 6, 2004, but the database was never updated.

APPROVE PERMIT:

Maintenance dredge 8348 square feet of man made pond and replace existing overflow pipe with same dimension pipe.

With Conditions:

1. All work shall be in accordance with plans by Paul M, Darbyshire Associates dated August 30, 2004, as received by the Department on September 28, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. Work shall be done during periods of non-flow.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b)
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Repair shall maintain original size, location and configuration.
10. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the pond area and within one year of the maintenance dredge.
13. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This permit is approved under RSA 482-A:3.

2005-00028 LITWHILER, TRUMAN
TUFTONBORO Beech River

Requested Action:

Dredge and fill 27 square feet for dam repair.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill 27 square feet for dam repair.

With Findings:

1. A notice of incomplete minimum impact expedited application dated January 10, 2005, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2005-00679 SOUTHERN DISTRICT YMCA, CAMP LINCOLN
KINGSTON Great Pond

Requested Action:

Impact a total of 90 sq. ft. of forested wetland for the upgrade of the existing driveway entering Camp Lincoln by installing a 15-in. x 60-ft. culvert (no jurisdictional impact), a 15-in. x 24-ft. culvert (30 sq. ft. of impact), and a 24-in. x 30-ft. culvert (60 sq. ft. of impact).

Conservation Commission/Staff Comments:

The Kingston Conservation Commission signed the Minimum Impact Expedited.

APPROVE PERMIT:

Impact a total of 90 sq. ft. of forested wetland for the upgrade of the existing driveway entering Camp Lincoln by installing a 15-in. x 60-ft. culvert (no jurisdictional impact), a 15-in. x 24-ft. culvert (30 sq. ft. of impact), and a 24-in. x 30-ft. culvert (60 sq. ft. of impact).

With Conditions:

1. All work shall be in accordance with the Driveway Reconstruction Plan by B.V. Pearson-Associates, Inc. dated November 25, 2004 and revised through May 13, 2005, as received by the Department on May 16, 2005.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for any other construction related activities.
4. Work shall be done during low flow conditions.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. A memo dated May 4, 2005, from NH Fish & Game, Nongame and Endangered Species Program mentioned concerns with the proposed culverts, specifically if the culverts will be in perennial streams for ease of passage by spotted turtle in the vicinity.
6. The Bureau makes the finding that the proposed culvert replacements are not within perennial stream and will no impair the spotted turtle migration.

2005-00751 CENTER HARBOR, TOWN OF
CENTER HARBOR Lake Winnepesaukee

Requested Action:

Repair and maintain two 5 ft x 71 ft piling piers connected to a 5 ft x 76 ft piling pier with three 30 ft x 4 ft fingers by an 4 ft x 83 ft wharf attached to a 5 ft x 52 ft wharf on an average of 480 ft of shoreline frontage on Lake Winnepesaukee in Center Harbor.

APPROVE PERMIT:

Repair and maintain two 5 ft x 71 ft piling piers connected to a 5 ft x 76 ft piling pier with three 30 ft x 4 ft fingers by an 4 ft x 83 ft wharf attached to a 5 ft x 52 ft wharf on an average of 480 ft of shoreline frontage on Lake Winnepesaukee in Center Harbor.

With Conditions:

1. All work shall be in accordance with plans by Jeff Haines, Center Harbor Road Agent dated April 6, 2005, as received by the Department on April 20, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit does not allow for maintenance dredging.
4. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
5. Repairs shall maintain existing size, location and configuration.
6. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v), maintenance, repair, and replacement in-kind of existing docking structures.
2. The docking structures existing on this frontage were approved under permit #94-371 and #97-962 and the same in-kind maintenance was previously permitted under permit #00-661.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-00783 NOYES, GEOFFREY
BETHLEHEM Unnamed Wetland

Requested Action:

Impact a total of 2,500 square feet of forested wetland to include installing two (2) 24-inch by 24-foot culverts (Impacting 2,200 sq. ft. and 300 sq. ft.) for access to a single family residential lot on 42 acres.

Conservation Commission/Staff Comments:

The Bethlehem Conservatio Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact a total of 2,500 square feet of forested wetland to include installing two (2) 24-inch by 24-foot culverts (Impacting 2,200 sq. ft. and 300 sq. ft.) for access to a single family residential lot on 42 acres.

With Conditions:

1. All work shall be in accordance with plans by Sam Stephenson as received by the Department on April 25, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Work shall be done during low flow conditions.
8. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
9. No fill shall be done for lot development.
10. No fill shall take place in Atlantic white cedar swamps.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-00785 LAFONTAINE, DONALD & AMY
WEST CHESTERFIELD Unnamed Stream

Requested Action:

Dredge and fill approximately 87 square feet of a perennial stream and its banks to install a 16" x 20' culvert to provide access for forest management and recreational use.

Conservation Commission/Staff Comments:

Conservation commission signed the expedited application.

APPROVE PERMIT:

Dredge and fill approximately 87 square feet of a perennial stream and its banks to install a 16" x 20' culvert to provide access for forest management and recreational use.

With Conditions:

1. All work shall be in accordance with plans by New England Timber Harvesting, LLC dated April 6, 2005, as received by the Department on April 25, 2005.
2. This permit is contingent on approval by the DES Site Specific Program only for the conversion of forested areas to pasture, that will exceed 100,000 square feet.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
5. No fill shall be done for lot development.
6. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
7. Work shall be done during low flow.
8. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), alteration of less than 3,000 sq ft and crosses a stream less than 10 feet wide, to permit vehicular access for non-commercial and recreational uses.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-00814 MARRIOTT, RICHARD
TUFTONBORO Lake Winnepesaukee

Requested Action:

Repair/replace existing "F-shaped" crib supported dock in-kind, consisting of an 8 ft 3 in x 45 ft 9 in crib pier, and an 8 ft 10 in x 45 ft 9 in crib pier connected by a 19 ft 4 in x 47 ft 10 in crib supported walkway, accessed by a 13 ft 4 in x 82 ft 1 in crib supported walkway and a 24 ft 3 in x 11 ft 2 in crib supported walkway. Repair/replace three tie off pilings within the most south easterly and middle boat slips, repair 165 linear feet of breakwater, and reset 246 linear ft of fallen rip-rap along existing peninsula on 151 ft of frontage on Lake Winnepesaukee.

APPROVE PERMIT:

Repair/replace existing "F-shaped" crib supported dock in-kind, consisting of an 8 ft 3 in x 45 ft 9 in crib pier, and an 8 ft 10 in x 45 ft 9 in crib pier connected by a 19 ft 4 in x 47 ft 10 in crib supported walkway, accessed by a 13 ft 4 in x 82 ft 1 in crib supported walkway and a 24 ft 3 in x 11 ft 2 in crib supported walkway. Repair/replace three tie off pilings within the most south easterly and middle boat slips, repair 165 linear feet of breakwater, and reset 246 linear ft of fallen rip-rap along existing peninsula on 151 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated March 16, 2005, as received by the Department on April 27, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Repair shall maintain existing size, location and configuration.
4. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in fish spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
9. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
10. Unnecessary removal of vegetation shall be strictly prohibited.
11. Rocks shall not be stockpiled in jurisdiction.
12. No work is authorized to the existing woodframe house or boathouse.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v), maintenance, repair, or replacement in-kind of existing docking structures and Administrative Rule Wt 303.04 (x), maintenance, repair, and replacement of a nondocking structure such as rip-rap.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

GOLD DREDGE

2005-01059 GRASSO, TRACY
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2005-01060 HOPKINS, LEON
(ALL TOWNS) Unnamed Stream

LAKES-SEASONAL DOCK NOTIF

2005-01056 HILL, DAVID & LAURA
BRISTOL Newfound Lake

COMPLETE NOTIFICATION:
Bristol, Map 106 Lot 7, Newfound Lake

2005-01089 DOWNEY /LAWSON, STEPHEN/PATRICIA
RUMNEY Stinson Lake

COMPLETE NOTIFICATION:
Rumney, Map 2-03-45 Lot 1, Stinson Lake

2005-01090 KELLY /WALSH, RICK/ANN
PITTSBURG First Connecticut Lake

COMPLETE NOTIFICATION:
Pittsburg, Map C6 Lot 376, Sub 2, First Connecticut Lake

2005-01100 LADD REVOCABLE TRUST, DAVID
MELVIN VILLAGE Lake Winnepesaukee

COMPLETE NOTIFICATION:
Melvin Village, Map 2 Lot 72, Lake Winnepesaukee

2005-01121 JASON, JANET
SANBORNVILLE Lovell Lake

COMPLETE NOTIFICATION:
Sanbornville Tax Map 27, Lot# 21 Lovell Lake

2005-01122 DALEY, SHARON
MADISON Silver Lake

COMPLETE NOTIFICATION:
Madison Tax Map 25, Lot# 1B Silver Lake

ROADWAY MAINTENANCE NOTIF

2005-01081 **NH DEPT OF TRANSPORTATION**
ROCHESTER **Unnamed Wetland**

2005-01110 **ALTON HWY DEPT, TOWN OF ALTON**
ALTON **Unnamed Stream**

2005-01111 **NH DEPT OF TRANSPORTATION**
ALSTEAD **Unnamed Stream**

2005-01112 **NH DEPT OF TRANSPORTATION**
ALSTEAD **Unnamed Stream Roadside Ditch**

2005-01113 **NEW IPSWICH, TOWN OF**
NEW IPSWICH **Unnamed Stream**

2005-01118 **CHARLESTOWN, TOWN OF**
CHARLESTOWN **Unnamed Stream**

2005-01119 **NH DEPT OF TRANSPORTATION**
LANCASTER **Unnamed Stream**

2005-01120 **NH DOT, BUREAU OF TURNPIKES**
DOVER **Unnamed Stream**

PERMIT BY NOTIFICATION

2005-00536 BALL, JONATHAN/LINDSEY
SANBORNTON Unnamed Wetland

Requested Action:

Impact 1,000 square feet of forested wetland to install a 15-inch by 20-foot culvert for access to a single family residential lot on 3.00 acres.

Conservation Commission/Staff Comments:

The Sanbornton Conservation Commission signed the PBN.

PBN IS COMPLETE:

Impact 1,000 square feet of forested wetland to install a 15-inch by 20-foot culvert for access to a single family residential lot on 3.00 acres.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), alteration of jurisdictional wetland for access to a single family residential lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES staff conducted a field inspection on 5/3/05.
6. In accordance with Rule Wt 304.04, the applicant did not receive written consent from the abutter identified as Tyler (Sanbornton Tax Map 22-14 Lot 14) concurring with the proposed impacts within 20-feet of their property line.
7. DES received a letter on 5/2/05, from said abutter expressing concerns with the delineation and drainage issues.
8. DES waives Rule Wt 304.04 with the finding that upon field inspection that the applicant sufficiently delineated the wetland boundary and sized the culvert appropriately. Presently, the up-stream abutter identified as Tyler, has a silt filled culvert beneath the driveway. The proposed culvert size for the crossing will not impede flow or impound water.